

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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Farley Thomas, III,

Plaintiff,

v.

Clark County; et al.,

Defendants.

Case No. 2:25-cv-00903-ART-DJA

Order

Pro se Plaintiff Farley Thomas, III filed an application to proceed *in forma pauperis*.¹ (ECF No. 1). However, Plaintiff's application is missing information. The Court thus denies Plaintiff's application without prejudice.

I. Discussion.

Under 28 U.S.C. § 1915(a)(1), a plaintiff may bring a civil action "without prepayment of fees or security therefor" if the plaintiff submits a financial affidavit that demonstrates the plaintiff "is unable to pay such fees or give security therefor." The Ninth Circuit has recognized that "there is no formula set forth by statute, regulation, or case law to determine when someone is poor enough to earn [*in forma pauperis*] status." *Escobedo v. Applebees*, 787 F.3d 1226, 1235 (9th Cir. 2015). An applicant need not be destitute to qualify for a waiver of costs and fees, but he must demonstrate that because of his poverty he cannot pay those costs and still provide himself with the necessities of life. *Adkins v. E.I DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948).

The applicant's affidavit must state the facts regarding the individual's poverty "with some particularity, definiteness and certainty." *United States v. McQuade*, 647 F.2d 938, 940 (9th Cir. 1981) (citation omitted). If an individual is unable or unwilling to verify his or her

¹ Proceeding *in forma pauperis* means proceeding without paying the filing fee.

1 poverty, district courts have the discretion to deny a request to proceed *in forma pauperis*. See,
2 e.g., *Marin v. Hahn*, 271 Fed.Appx. 578 (9th Cir. 2008) (finding that the district court did not
3 abuse its discretion by denying the plaintiff's request to proceed *in forma pauperis* because he
4 "failed to verify his poverty adequately"). "Such affidavit must include a complete statement of
5 the plaintiff's personal assets." *Harper v. San Diego City Admin. Bldg.*, No. 16-cv-00768 AJB
6 (BLM), 2016 U.S. Dist. LEXIS 192145, at *1 (S.D. Cal. June 9, 2016). "[L]eave to proceed *in*
7 *forma pauperis*...is properly granted only when the plaintiff has demonstrated poverty[.]" *Id.* at
8 *2. Misrepresentation of assets is sufficient grounds for denying an *in forma pauperis*
9 application. Cf. *Kennedy v. Huibregtse*, 831 F.3d 441, 443-44 (7th Cir. 2016).

10 Plaintiff's application is incomplete. Plaintiff has neither answered any of the questions
11 presented on the form, nor signed it. Plaintiff does note under question three that his "ability to
12 pay or not pay should not be a determining factor to receiving...justice[.]" (ECF No. 1 at 3).
13 Though this is correct, the Court requires information regarding Plaintiff's financial status before
14 allowing the burden of his litigation to shift onto the taxpaying public.

15 Given the lack of information, the Court cannot determine whether Plaintiff qualifies for
16 *in forma pauperis* status. The Court will give Plaintiff one opportunity to file a complete *in*
17 *forma pauperis* application on this Court's Long Form application. The Court further orders that
18 Plaintiff may not respond with a zero or "not applicable" in response to any question without
19 providing an explanation for each of the questions. Plaintiff also may not leave any questions
20 blank. Plaintiff must describe each source of money that he receives, state the amount he
21 received, and what he expects to receive in the future.

22 The Court denies Plaintiff's *in forma pauperis* application without prejudice. The Court
23 gives Plaintiff 30 days to file an updated application. Plaintiff must fully answer all applicable
24 questions, check all applicable boxes, and sign and date the application. Plaintiff may
25 alternatively pay the filing fee in full. Since the Court denies Plaintiff's application, it does not
26 screen the complaint at this time.

1 **IT IS THEREFORE ORDERED** that Plaintiff's application to proceed *in forma*
2 *pauperis* (ECF No. 1) is **denied without prejudice**.

3 **IT IS FURTHER ORDERED** that Plaintiff has until **July 3, 2025**, to file an updated
4 **Long Form** application to proceed *in forma pauperis* as specified in this order or pay the filing
5 fee. **Failure to timely comply with this order may result in a recommendation to the district**
6 **judge that this case be dismissed.** Plaintiff can find the Long Form application under code AO
7 239 at the following website: <https://www.nvd.uscourts.gov/court-information/forms/>.

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9 DATED: June 3, 2025

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13 DANIEL J. ALBREGTS
14 UNITED STATES MAGISTRATE JUDGE
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